

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants: Banerjee, Biswa R.; Gladwin, S. Christopher; Maskatia, Arif; Soucy, Alan

Assignee: Zenith Data Systems Corporation

Title: STRUCTURE AND METHOD FOR CONTROLLING A HOST  
COMPUTER USING A REMOTE HAND-HELD INTERFACE DEVICE

Serial No.: 08/300,500

Filed: 09/02/94

Examiner: J. Brier

Group Art Unit: 2600

Docket No.: M-2508-1D US



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San Jose, California  
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Group 2700

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ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D. C. 20231

**REPLY BRIEF**

Dear Sir:

In response to the Examiner's communication mailed on January 11, 1999, Appellants submit this Reply Brief responding to the Examiner's Answer of October 9, 1997.

The Examiner indicated in the Examiner's Answer that Claims 2, 3 and 5 are allowable if rewritten in independent form. Accordingly, Appellants submit herewith an Amendment Pursuant to 37 CFR 1.116, rewriting Claim 2 into independent form. Since Claims 3 and 5 each depend from Claim 2, no rewriting is believed necessary. With the above amendments, Appellants believe that Claims 2, 3 and 5 are now in allowable form and thus are not within the scope of the present Appeal.

The Examiner states on pages 7 and 8 of the Examiner's Answer:

Unarguably the portion of McCain relied upon by the examiner is under the heading of (8) Interactive operation between hand-held unit and host. However this heading does not limit the teaching at column 7 lines 30-33 to that which is

alleged by appellant. Here the portable touch screen display is described as maintaining the menu driven interface when the host computer runs programs too large for the portable touch screen display to handle. In this mode of operation the display provides responses to the user in response to "positional data representative of a current location of the position input device". This is the typical response that a menu based program provides to the user. An example of visual responses to positional device locations is present in windowing programs. Such programs were in existence prior to the time of applicants invention. Responses to positional device locations is described in the previously cited Scientific American article ("The Computer for the 21st Century"). The portable touch screen display would also send positional data over the wireless link to the host computer to be used by the program running on the host computer. The wireless transmission of the positional data is the type of fundamental technical information that one of ordinary skill in the art the time of applicants invention would know is necessary for the host computer and the portable touch screen display to perform their programed functions. Furthermore one of ordinary skill in the art would know how to accomplish the transmission of positional data from basic communication technology. A reference to show such a transmission is not necessary and is inherent to the reference itself. The transmission of data necessary to perform programed functions is described in the previously cited Scientific American article. Thus, McCain teaches the framework of applicants invention and the previous knowledge of one of ordinary skill in the art provides the foundation and explains the inherent functions performed by McCain.

Appellants respectfully disagree with the Examiner. McCain's col.7, lines 30-33

recite:

Programs which are beyond the capability of the terminal to execute may be run, by the terminal operator, while maintaining the menu driven interface and portability.

Appellants respectfully submit that McCain does not disclose what is communicated between the host and the terminal. For example, it is not clear if the program running in the terminal sends to the host the lower-level positional information of a stylus, or the higher-level information of which item on a menu is selected. The former is positional information,

the latter is not. After reviewing the Scientific American article, Appellants are at a loss as to where the Examiner found support “positional device locations”. The Scientific American article merely describes a new mode of computing in which a large number of devices called “pads” or “tabs” are involved. In fact, on page 100, at the bottom of the middle column, the Scientific American article specifically states:

The hundreds of processors and displays are not a “user interface” like a mouse and windows, but a pleasant and effective “place” to get things done.

Since the information communicated by a mouse is positional data, Appellants believe that the hundreds of processors and displays discussed in the Scientific American article do not communicate at the lower-level positional data level but rather at a higher conceptual data level. Therefore, Appellants believe that the Examiner is mistaken regarding both the teachings of McCain and the Scientific American article. The combined teachings of McCain and the Scientific American article neither discloses nor suggests Appellants Claim 1, which recite specifically:

said means for controlling (i) causing said wireless communication link to be created; (ii) causing an application program to be run on said host computer; (iii) receiving from said input subsystem said positional data, providing a response to said user in acknowledgment of said positional data, and transmitting over said wireless communication link said positional data to said application program; and (iv) receiving over said wireless communication link from said application program data representing said image, and causing said graphical display subsystem to display said image on said graphical display.

(emphasis added)

The Examiner’s arguments in the Examiner’s Answer regarding Claims 6 and 11 are likewise believed flawed as being based on the Examiner’s erroneous understanding of

McCain and the Scientific American article. Accordingly, Appellants respectfully request the Board of Appeals and Interferences to reverse the Examiner's rejections of Claims 1, 4 and 6-13.

If the Examiner or a member of the Board of Appeals and Interferences has a question relating to the above, the Attorney for Appellants can be reached at 408-453-9200.

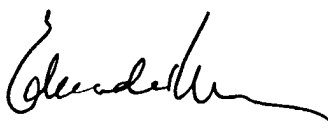
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: ASSISTANT COMMISSIONER FOR PATENTS, Washington, D.C. 20231,

on March 1, 1999

  
Attorney for Applicant(s)

31/99  
Date of Signature

Respectfully submitted,

  
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